

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Emily Devaney	Team: Squad #5	CCRB Case #: 201803025	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 01/18/2018 3:30 PM, Friday, 01/19/2018	Location of Incident: § 87(2)(b) [REDACTED]	Precinct: 73	18 Mo. SOL 7/18/2019	EO SOL 7/18/2019	
Date/Time CV Reported Wed, 04/18/2018 4:44 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 04/18/2018 4:44 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. SGT Stephen Volpe	04757	939667	INT CIS
2. Officers			

Officer(s)	Allegation	Investigator Recommendation
A.SGT Stephen Volpe	Abuse: Sergeant Stephen Volpe entered § 87(2)(b) [REDACTED] in Brooklyn.	[REDACTED]
B.SGT Stephen Volpe	Abuse: Sergeant Stephen Volpe searched § 87(2)(b) [REDACTED] in Brooklyn.	[REDACTED]
C. Officers	Abuse: Officers damaged § 87(2)(b) [REDACTED] s property.	[REDACTED]

Case Summary

On April 18, 2018, § 87(2)(b) filed this complaint with the CCRB over the phone.

On January 18, 2018, at approximately 3:30 p.m., a group of officers supervised by Sergeant Stephen Volpe of the 84th Precinct executed a search warrant at § 87(2)(b)'s residence at § 87(2)(b) in Brooklyn (**Allegations A-B: Abuse of Authority, § 87(2)(g)**). Officers allegedly damaged property inside the apartment (**Allegation C: Abuse of Authority, § 87(2)(g)**). § 87(2)(b) was not present during the incident.

The investigation did not obtain any video evidence.

This case was assigned to Inv. Scott Carlton on April 20, 2018. The case was reassigned to IM Ben Gilmore on September 20, 2018, and then to Inv. Andrew Ridge on October 16, 2018. Finally, the case was reassigned to Inv. Emily Devaney on January 18, 2019.

Findings and Recommendations

Allegation (A) Abuse of Authority: Sergeant Stephen Volpe entered § 87(2)(b) in Brooklyn.

Allegation (B) Abuse of Authority: Sergeant Stephen Volpe searched § 87(2)(b) in Brooklyn.

It is undisputed that Sgt. Volpe supervised officers who forcibly entered and searched § 87(2)(b)'s apartment. The officers damaged the apartment door such that it needed to be repaired by the building's maintenance personnel.

The investigation obtained the Warrant Compartment Incident File Report which confirmed that the officers possessed a search warrant (BR06).

Officers may forcibly enter a residence for which they have a valid search warrant. NY CLS CPL § 690.50 (BR07).

§ 87(2)(g)

Allegation (C) Abuse of Authority: Officers damaged § 87(2)(b)'s property.

§ 87(2)(b) recounted that he returned to his apartment at approximately 4:45 p.m. and found that his couch, deep freezer, and television were damaged (BR01). In a later phone statement, § 87(2)(b) specified that the television sustained a crack running down the center of its screen, and that cords no longer fit into the ports on the back of the television (BR11). He also noted that the freezer had numerous scratches but was still functional. He never described the damage to the couch.

The investigation made multiple attempts to obtain photographic evidence of the alleged property damage from § 87(2)(b). Ultimately, § 87(2)(b) did not provide any evidence, photographic or otherwise, of the alleged damage.

A friend of § 87(2)(b), who would only identify himself as "§ 87(2)(b)" was staying at § 87(2)(b)'s apartment at the time of the incident. § 87(2)(b) was not present during the incident, but during a phone statement he recounted seeing damaged items in the apartment (BR02). § 87(2)(b) stated that his television was also damaged, in that cables also would not fit into its rear ports.

§ 87(2)(b) also stated that § 87(2)(b)'s stereo was no longer functional, and that § 87(2)(b) told him that his laptop was damaged. § 87(2)(b) refused to provide a sworn statement or otherwise participate in the complaint, and he did not provide any evidence of the alleged property damage.

Sgt. Volpe could not recall what § 87(2)(b)'s apartment looked like or what was inside, and he could not recall which other officers participated in executing the search warrant (BR03). Sgt. Volpe denied seeing any officers damage § 87(2)(b)'s property during the incident. It should be noted that Sgt. Volpe was interviewed approximately 15 months after the incident date.

Captain John Breslin of the 90th Precinct and Police Officer Leonard Clarke of the 84th Precinct are listed on the Warrant Compartment Incident File Report. The investigation interviewed both officers and found that neither was present during the incident (BR04, BR05). The investigation was unable to obtain the search warrant pre-execution plan for this incident.

As § 87(2)(b) and § 87(2)(b) did not witness the incident, they were unable to indicate which officer or officers allegedly damaged property in the apartment. There were no civilian witnesses in the apartment at the time, and there was no video evidence. As Sgt. Volpe denied that officers damaged the property, his statement did not aid the investigation in identifying the subject officer or officers. § 87(2)(b)'s failure to provide any evidence of the alleged damage further hampered the investigation's ability to identify the subject officer or officers.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR08).
- Sgt. Volpe has been a member of service for 13 years and has been a subject in three CCRB complaints and six allegations, none of which was substantiated (BR09).

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- On May 3, 2019, the undersigned requested a copy of any Notice of Claim filed regarding the incident with the New York City Office of the Comptroller. The response will be added to the case file upon receipt (BR11).

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date